

CIVIL NO. 1:06CV73-T

CONSENT JUDGMENT

Charles Junior Shivers (hereinafter "claimant") is represented by counsel and has signed a stipulation for consent judgment in this case. Claimant and the government agree that the stipulation shall be deemed to constitute a timely claim and answer duly filed by claimant. According to the stipulation, claimant holds title to the defendant property pursuant to a general warranty deed recorded on March 13, 2006, ten days after the complaint was filed, and claimant had a pre-existing ownership interest under a purchase money deed of trust. No person other than claimant has filed a verified claim or answer within the time allowed by law.

Claimant has also stipulated that there is probable cause for forfeiture of the defendant property and that this Court has in rem jurisdiction over the defendant property.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant real property was filed on March 3, 2006. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.

2. Process was fully issued in this action and returned according to law. Pursuant to the warrant for arrest in rem, the United States Marshal duly posted and served notice of this action at the defendant property. Notice of this action was published on April 16, 2006, in the Shelby Star.

3. Except for claimant herein, no person has filed a verified claim or answer as to this defendant property within the time allowed by law. All persons claiming any right, title, or interest in or to the defendant property, except claimant, are therefore in default.

4. The parties have agreed to dismissal of the complaint under the terms and conditions of the stipulation, in full settlement of this case.

5. The actions taken by the United States in this matter were reasonable and proper.

Based on the foregoing findings, IT IS HEREBY ORDERED, ADJUDGED, AND
DECREED that:

1. The complaint is dismissed, with prejudice.
2. Each party is to bear its own costs of this action, including attorneys fees.

Signed: June 27, 2006



Lacy H. Thornburg
United States District Judge

